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Attorney for WELLS FARGO BANK, N.A., SUCCESSOR BY MERGER TO WELLS FARGO HOME MORTGAGE, INC. ITS ASSIGNS AND/OR SUCCESSORS IN INTEREST

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION

IN RE: § CASE NO. 07-70508-HDH-13

SYMETHA RAMONA PARKER, §  
Debtor § CHAPTER 13

WELLS FARGO BANK, N.A., §  
SUCCESSOR BY MERGER TO WELLS §  
FARGO HOME MORTGAGE, INC. §  
ITS ASSIGNS AND/OR §  
SUCCESSORS IN §  
INTEREST §

§  
, §  
Movant § HEARING DATE: 06/25/2008

v. § TIME: 11:00 AM

SYMETHA RAMONA PARKER; §  
DONALD PARKER, Co-Debtor; §  
and WALTER O'CHESKEY, §  
Trustee §  
Respondents § JUDGE HARLIN D. HALE

**MOTION OF WELLS FARGO BANK, N.A., SUCCESSOR BY MERGER TO WELLS FARGO HOME MORTGAGE, INC. ITS ASSIGNS AND/OR SUCCESSORS IN INTEREST  
FOR RELIEF FROM STAY AND WAIVER OF THIRTY DAY REQUIREMENT  
PURSUANT TO § 362(e)**

**NOTICE - RESPONSE REQUIRED**  
**PURSUANT TO LOCAL BANKRUPTCY RULE 4001 (b), A RESPONSE IS REQUIRED. THE TRUSTEE, IF ONE HAS BEEN APPOINTED, OR THE DEBTOR SHALL FILE A RESPONSE TO ANY MOTION FOR RELIEF FROM THE AUTOMATIC STAY WITHIN TWELVE (12) DAYS FROM THE SERVICE OF THE MOTION. THE DEBTOR'S RESPONSE SHALL**

**INCLUDE A DETAILED AND COMPREHENSIVE STATEMENT AS TO HOW THE MOVANT CAN BE "ADEQUATELY PROTECTED" IF THE STAY IS TO BE CONTINUED. IF THE DEBTOR DOES NOT FILE A RESPONSE AS REQUIRED, THE ALLEGATIONS IN THE CREDITOR'S MOTION FOR RELIEF FROM THE AUTOMATIC STAY SHALL BE DEEMED ADMITTED, UNLESS GOOD CAUSE IS SHOWN WHY THESE ALLEGATIONS SHOULD NOT BE DEEMED ADMITTED, AND AN ORDER GRANTING THE RELIEF SOUGHT MAY BE ENTERED BY DEFAULT.**

**File a written response with the court at:**

**CLERK, U.S. BANKRUPTCY COURT  
EARLE CABELL U.S. COURTHOUSE, 1100 COMMERCE STREET, Room  
1254,  
DALLAS, TX 75242-1003**

**UNDER BANKRUPTCY RULE 9006 (e) SERVICE BY MAIL IS COMPLETE UPON MAILING; UNDER BANKRUPTCY RULE 9006 (f), THREE (3) DAYS ARE ADDED TO THE PERIOD FOR FILING A RESPONSE WHEN NOTICE OF THE PERIOD IS SERVED BY MAIL.**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Movant, WELLS FARGO BANK, N.A., SUCCESSOR BY MERGER TO WELLS FARGO HOME MORTGAGE, INC. ITS ASSIGNS AND/OR SUCCESSORS IN INTEREST, by and through the undersigned attorney, and moves the Court as follows:

1. This Motion is brought pursuant to 11 U.S.C. Section 362(d) and 1301 in accordance with Rule 9014 of the Bankruptcy Rules.
2. On or about December 03, 2007, Debtor (hereinafter "Debtor") filed a petition for an order of relief under Chapter 13 of the Bankruptcy Code, 11 U.S.C.
3. At the time of filing the Chapter 13 petition, Movant held a Note executed on December 21, 2006, by SYMETHA RAMONA PARKER in the original amount of FIFTY-FOUR THOUSAND EIGHT HUNDRED DOLLARS AND ZERO CENTS (\$54,800.00) with interest thereon at the rate of 8.750% per annum. A true and correct copy of

the Note is attached hereto as Exhibit "A".

4. The indebtedness is secured by a Deed of Trust dated December 21, 2006 and executed by SYMETHA RAMONA PARKER and DONALD PARKER on real estate with all improvements known as:

LOT NO. SIX (6), BLOCK NO. FIFTY-SEVEN (57), SOUTHLAND  
ADDITION TO THE CITY OF WICHITA FALLS, WICHITA COUNTY,  
TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGE 46,  
WICHITA COUNTY PLAT RECORDS

A true and correct copy of the Deed of Trust is attached hereto as Exhibit "B".

5. Debtor and Co-Debtor have failed to maintain current the post-petition payments due under the Note and are presently in arrears for 3 payments through and including the May 1, 2008 payment.

6. Further cause may exist to terminate the automatic stay if the Debtor and Co-Debtor fails to provide proof of adequate insurance and payment of applicable taxes by Debtor and Co-Debtor as required by the Note and Deed of Trust. Movant hereby demands proof of insurance and payment of applicable taxes by Debtor and Co-Debtor. Movant reserves the right to further assert that Debtor and Co-Debtor have failed to pay taxes or insurance based on the response of Debtor and Co-Debtor.

7. In accordance with the terms of the Note and Deed of Trust, Movant would allege that it is entitled to reasonable post-petition attorneys fees, including, but not limited to, fees, if any, for the preparation and filing of a proof of claim and fees and costs for the filing of this Motion for Relief from Stay.

8. By reason of the foregoing, Movant requests the Court to terminate the stay so Movant may proceed to foreclose in accordance with its Note and Deed of Trust.

9. Debtor and Co-Debtor have failed to provide adequate protection to Movant

which constitutes cause to terminate the automatic stay of 11 U.S.C. §362(a).

10. The outstanding indebtedness to Movant is \$54,607.29 principal plus accrued interest, late charges, attorneys fees and costs as provided in the Note and Deed of Trust.

11. Movant reserves the right to assert an 11 U.S.C. § 362(d)(2) Cause of Action, if appropriate, at the hearing on Movant's Motion for Relief.

12. The provision of Rule 4001 (a) (3) should be waived and Movant be permitted to immediately enforce and implement any order granting relief from the automatic stay.

WHEREFORE, Movant prays that this Court enter an order, after notice and hearing, terminating the automatic stay as to Movant; alternatively, Movant be made whole by having all post-petition payments brought current. Movant further prays that the Court waive the provision of Rule 4001 (a) (3) and that WELLS FARGO BANK, N.A., SUCCESSOR BY MERGER TO WELLS FARGO HOME MORTGAGE, INC. ITS ASSIGNS AND/OR SUCCESSORS IN INTEREST be permitted to immediately enforce and implement any order granting relief from the automatic stay; that Movant be awarded its reasonable post-petition attorneys fees and expenses for this Motion; and, that Movant be granted such other and further relief as is just.

Respectfully submitted,

BARRETT DAFFIN FRAPPIER  
TURNER & ENGEL, LLP

BY: /s/ PAUL KIM

5/9/2008

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PAUL KIM

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ATTORNEY FOR MOVANT

**CERTIFICATE OF CONFERENCE**

Barrett Daffin Frappier Turner & Engel, LLP, represents the creditor on the foregoing Motion. The undersigned, an attorney, employed by Barrett Daffin Frappier Turner & Engel, LLP, states that prior to filing the foregoing motion he/she did the following:

Made a good faith effort to negotiate a settlement of the dispute with Debtor's Counsel.

NOTES: Paul Kim spoke to Sarah at the debtor's attorney's office. She advised that the motion was opposed.

Date of Conference Call: May 02, 2008 3:39 p.m.

BY: /s/ PAUL KIM 5/9/2008

PAUL KIM

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ATTORNEY FOR MOVANT

**CERTIFICATE OF SERVICE**

I hereby certify that on May 09, 2008, a true and correct copy of the foregoing Motion for Relief from Stay was served via electronic means as listed on the Court's ECF noticing system or by regular first class mail to the parties on the attached list.

Respectfully submitted,

BARRETT DAFFIN FRAPPIER  
TURNER & ENGEL, LLP

/s/ PAUL KIM 5/9/2008

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ATTORNEY FOR MOVANT

DEBTOR:

SYMETHA RAMONA PARKER  
2011 MCGREGOR  
WICHITA FALLS, TX 76301

CO-DEBTOR:

DONALD PARKER  
2011 MCCGREGOR  
WICHITA FALLS, TX 76301

TRUSTEE:

WALTER O'CHESKEY  
6308 IOLA AVENUE  
LUBBOCK, TX 79424

US TRUSTEE:

1100 COMMERCE STREET, ROOM 976  
EARLE CABELL FEDERAL BLDG  
DALLAS, TX 75242

DEBTOR'S ATTORNEY:

MONTE J WHITE  
1106 BROOK AVENUE  
WICHITA FALLS, TX 76301

PARTIES IN INTEREST:

CITY OF WF, WFISD, WICHITA CO  
C/O HAROLD LEREW  
PO BOX 8188  
WICHITA FALLS, TX 76307

PARTIES REQUESTING NOTICE:

None